

EXHIBIT F

1 long as he did on the 15th. So I listened to that. And I
2 said, in substance -- this is just the content I remember --
3 "I think we've been through that, but if there's new things,
4 you know, we function on the facts of the law. If there's
5 more facts, then the Department can receive them, but you know
6 what we know, that we told you, we haven't seen any."

7 And so two other things that I remember about
8 that call; one is more in hindsight. At the time, he was
9 saying to me, "I'd like you to make sure the Department is
10 really looking into these things that you may have missed."

11 And I said, "Well, sir, it's Christmas. Today is
12 Christmas Eve. Maybe take a few days off, and we can talk on
13 Monday."

14 He sort of hesitated. "Well, that's four
15 days from now."

16 And I said, "Well, let's start with that."

17 But I wondered if it was going to be Monday.
18 You know, Richard Donoghue's notes that show it wasn't
19 Monday.

20 But the other part that stuck with me was
21 kind of an odd reference. Somewhere in the conversation, he
22 made a reference to Jeff Clark. And, again, I think the way I
23 remember this is that he said, just out of the blue, sort of,
24 "Do you know a guy named
25 Jeff Clark?"

1 And I said, "Yeah, he's the head of Civil Division."
2 Then he moved on.

3 So that struck me as curious as how does the
4 President of the United States know, you know, an Assistant
5 Attorney General. They are important jobs, but I wouldn't
6 expect the President to know all the Assistant Attorney
7 Generals. There are several of them. So it struck me as odd.

8 That's more in hindsight. Now, at the time,
9 that's become more significant, obviously, but at the time, I
10 was just quizzical.

11 How does the President know who Jeff Clark is and
12 why was he asking me that?

13 So that's how that call was. It was kind of,
14 as I've alluded to, basically said follow up on all of the
15 stuff referred to in the media; that it was no secret that the
16 President was unhappy about the election outcome and people
17 were, according to him, telling him that there had been
18 corruption.

19 But the parts that were peculiar is why I
20 made earlier reference to the 24th as an interesting call;
21 Jeff Clark.

22 I can tell you how I felt about the matter,
23 or -- you have questions.

24 Q. About how long did this call last?

25 A. I want to say 10 to 15 minutes, maybe. If I was to

1 guess, to the extent I can remember, I would say probably in
2 the order of 10 or 15, give or take. Slightly shorter;
3 slightly more.

4 Q. So in terms of the Jeff Clark reference that struck
5 you as curious at the time, it sounds like you were saying the
6 curiousness of that reference, that became more significant
7 overtime as events unfolded.

8 A. Yes.

9 Q. Did you sort of not focus on the curiousness of it
10 per se, but -- well, you tell me. Did you just sort of file
11 it away at the time and not focus on it until later?

12 A. Well, I heard that on the -- I think it was the
13 afternoon of December 24th. So I didn't think there was
14 immediate follow-up to do on Christmas day.
15 But the day after, I'm pretty sure it was, as I recall,
16 Saturday the 26th, I called Jeff Clark and inquired of him --
17 I don't remember exactly. I remember I was trying to see if
18 he was going to tell me something.

19 So I called him and was asking him, you know,
20 something to the effect of "Is there something going on that I
21 don't know about?"

22 And we had a little bit of a back-and-forth. But
23 then he, at some point in the conversation, acknowledged that
24 he had had a meeting with
25 President Trump. And I was flabbergasted.

1 And I said, "Excuse me? When was this? How
2 did that happen?"

3 And he was very defensive and kind of
4 apologetic as I chastised him that you had a meeting with the
5 President. You didn't tell me about it in advance. You
6 didn't get authorization. You didn't tell me about it after
7 the fact. This can't happen.

8 And so he was somewhat apologetic. And he
9 was saying that he had kind of got caught up in something that
10 he hadn't planned, that he had been -- according to what he
11 said -- that's all that I can recount, what he told me.
12 Obviously, I don't have access to documents --there could be
13 more to it. But what he said was that he had been talking to
14 Congressman Perry of Pennsylvania, or I think he referenced
15 General Perry, but he's a Congressman.

16 And that somehow General Perry had asked him
17 to come to a meeting. He didn't understand with who or what
18 it was about, and it turned out they went down to the Oval
19 Office talking to the President.

20 Well, as you might guess, that did not seem
21 normal to me. And so I told him that shouldn't have happened,
22 can't happen again. And he assured me it wouldn't, that if he
23 was contacted to do it, he would give me a notice. He would
24 tell me about it.

25 And so I had known him for a long time in a

1 professional capacity. We had both been in a prior
2 administration. We both had been at the same law firm. We had
3 actually worked together at some point and worked together at
4 the Justice Department. So he said he wouldn't do it again.
5 And, initially, I accepted that.

6 I also tried to check -- I think this is
7 actually a couple of days later -- did the White House
8 counsel know about the meeting. The answer was no. Had not
9 been present; didn't know it had happened; hadn't authorized
10 it.

11 So that's my discussion with Jeff Clark, that
12 Saturday the 26th of December, as best I recall. And that was
13 it until you handed me Exhibit 6, until Monday, January 28.

14 Q. Did he tell you when the meeting that he
15 attended in the Oval Office was?

16 A. I think so. But I think it had been either the day
17 before Christmas or two days before. So it was either the
18 Wednesday or Thursday, December 23 or 24. I don't know who
19 else was there. But the ones that I remember are him and
20 Congressman Perry, but I think there were others. I just am
21 not sure who they were.

22 Q. Did he give you a sense of how he came to be
23 connected with Congressman Perry?

24 A. Not really. I thought about that at some ensuing
25 time, and I haven't been able to sort that out. This has all

1 sort of popped up again.

2 So from my vantage point, the open
3 question is did they seek to see the President, or did the
4 President seek them? Sort of what was the direction of the
5 initiation of that process, both at the outset and as it
6 continued through the events of January 3rd, Sunday night, we
7 spoke about just before the break.

8 At least from my memory, that's an open
9 question that I don't know the answer to, because all I really
10 know is what Mr. Clark told me and, to a limited extent, what
11 the President told me.

12 Q. When you had this initial call with Mr. Clark on the
13 26th, did he give you a sense of what had transpired at the
14 Oval Office meeting?

15 A. He had minimized it. When I look back, I'd like to
16 know more -- but at the time, I was focused on how did the
17 President know who Jeff Clark is. The answer is he was at
18 some meeting and probably had attributed it to that. It was
19 all innocent.

20 That's the initial stage though it becomes more
21 concerning as the events developed. But at that early part,
22 I'm questioning, as I said, how does the President know who
23 Jeff Clark is. And he's telling me, you know -- he's probably
24 asking who I am because he heard my name and met me. I wonder
25 if it was more, but that's what he told me.

1 Q. So Clark didn't say to you "I got swept into this
2 meeting and we had a discussion about was the election
3 stolen." It was just more "I got swept into this meeting" --
4 and what?

5 A. He may have told me and - I can't recall. I don't
6 think he told me more, but we're talking about our discussion
7 seven months ago. So I told you that the parts that I recall,
8 I think they are telling --

9 Q. Fair enough.

10 So that was December 26th. My colleague on Senator
11 Grassley's staff, started asking you a bit about a call on the
12 next day, the 27th, before the break.

13 A. Yeah.

14 Q I have a couple of additional questions about that
15 call.

16 A. Sure.

17 Q. So if you have Exhibit Number 5, which is
18 Mr. Donoghue's notes --

19 MALE SPEAKER. Excuse me, which exhibit?

20 Ms. Zdeb. 5. It's Mr. Donoghue's notes from
21 the call on the 27th.

22 Mr. Rosen. I have Exhibit 5.

23 BY MS. ZDEB.

24 Q. So for the time being, those are just mostly for
25 your reference in case you wanted to consult them. And

1 recognizing that they're not your own notes, I want to ask
2 about the discussion of Jeffrey Clark that I understand took
3 place on that call.

4 So you had had this call with the President
5 on the 24th where you had this curious exchange in which he
6 mentioned Jeffrey Clark. You spoke to Clark himself on the
7 26th. And then the 27th, you had this call with the President
8 that you patched Mr. Donoghue into.

9 So at some point during that call, did the
10 President again mention Jeffrey Clark?

11 A. Well, yes. The notes suggest that he did. Again,
12 they're not my notes, but I don't have any reason to question
13 them.

14 So here is how I remember this is, I think
15 there is another reference to Clark. But at the time, it
16 doesn't really register much with me, because -- in hindsight,
17 in certainly does -- but at the time, Jeff Clark has said, you
18 know, this somewhat benign -- not totally acceptable, but
19 somewhat benign explanation of how the President knew him.

20 So when the President then makes some
21 reference to him again, I think how to try to -- how he and
22 the President met for the first time three days ago in some
23 kind of group meeting. So it didn't register with me. But
24 when I saw these notes, there was more detail than, let's say,
25 the significance I remember having at the time. But I see

1 this in the notes.

2 Q. So putting the notes aside, do you have any
3 independent recollection of the President saying something to
4 the effect of "People tell me Jeff Clark is great and that I
5 should put him in"?

6 A. I remember at a slightly greater level of
7 abstraction that "People are really very mad with the Justice
8 Department. They tell me that there's fraud and the Justice
9 Department hasn't been addressing it and is the Justice
10 Department doing its job."

11 And I think Rich Donoghue and I were both
12 saying to the President, "You can rest comfortably.
13 The Justice Department is doing its job."

14 I think that there was some kind of reference
15 to Jeff Clark, but I don't think it was -- as I said, I think
16 it didn't have great significance at the time. In hindsight,
17 it's a little bit of a clue that, well, what comes next.

18 But at the time, it was the President met
19 some guy three days ago, he asked me who he is or something
20 like that. Shrugged, like -- if the President wants to
21 replace the Justice Department, and he can do whatever he
22 wants, but the Department is going to maintain its position.
23 Because, at this time, I don't know if Jeff Clark has a
24 different point of view.

25 So to me it's -- we're all in the same place,

1 which, as you know, ultimately, is true except for Jeff Clark.
2 In the Department leadership, we worked very much together.
3 But at the time, I didn't register Jeff Clark when the
4 President says -- and, again, I don't know if the notes are
5 exactly the way I can remember it. I don't dispute it. So
6 that's -- in hindsight, that's a tipoff. But after time, it's
7 more clear.

8 Q. Did you recall some reference in this meeting to
9 replacing the Department's leadership, putting aside the
10 question of whether you recall a specific reference to Clark's
11 relation to that.

12 A. Yes. But in one of these, he accused, you know,
13 "Some people have suggested or some people say the Department
14 hasn't done his job."

15 And I think Mr. Donoghue and I are saying "The
16 Department has done its job. It is doing its job."

17 If I remember, I saw something in the notes
18 saying you should have the leadership you want. It's not
19 going to change where the Department is. And I think that --
20 again, I don't remember that as a quote, but I think that
21 point was one of that both
22 Mr. Donoghue and I had made.

23 Q. Along similar lines and on the topic of the
24 suggestion it sounds like the President made that the
25 Department was not doing its job, there was some discussion

1 with my colleague on Senator Grassley's staff before the break
2 about a notation in the notes about the President making
3 reference to looking into "legitimate claims" of election
4 fraud. And some discussion about, "Well, isn't it the role,
5 and indeed, is appropriate, or at least not inappropriate, for
6 the President to want to have legitimate claims looked into?"

7 I wanted to just put a finer point on your
8 response to some of those questions. As I understood you, you
9 didn't agree at the time that the claims that were being
10 discussed in the course of that call were legitimate; is that
11 right?

12 A. At least, in the big picture, in the sense that I
13 thought the position that AG Barr had publicly announced
14 continued to be corroborated. An individual investigation
15 somewhere, that I cannot comment on -- is there a target, is
16 there an illegal voter, or something on an individual case.

17 But in terms of the big-picture evidence, and
18 as I think I alluded to to Senator Grassley's counsel, I think
19 the President had raised this thing with the website in
20 Pennsylvania, the registrations and the certified votes don't
21 match. So that's an appropriate thing to just figure out, but
22 I think we still believed there's no indicia of widespread
23 fraud that would call into question the national election.

24 Q. In fact, I think -- and this is on page -737 of the
25 notes. There's a notation there that appears, at least based

1 on Mr. Donoghue's notes, it was a direct quote from the
2 President saying, "You guys are not following the Internet the
3 way I do."

4 A. Yes.

5 Q. So I guess I take that as consistent with your
6 description of the overall flow of this conversation, and
7 similar conversations with him, in the sense that the
8 President would raise claims that he had heard or he had seen
9 and that he would have a dialogue --

10 A. I think actually -- so I mentioned when Senator
11 Grassley was here, there are some places in the notes where I
12 said, "I agree. I remember that."

13 One of them was my saying, "We can't and
14 won't just flip a switch and change the election."

15 Another is I do remember when he said "You
16 guys are not following the Internet the way I do." That one
17 registered with me, because it reinforced some of what Rich
18 Donoghue was saying.

19 The Department of Justice needs evidence,
20 needs facts. We rely on the facts and the law. So I don't
21 know that the President necessarily got what we were doing,
22 what we actually did. But telling me something is on the
23 Internet, if you are trying to persuade me, is not actually
24 very effective.

25 Q. So, in other words, the fact that the

1 President may believe that something on the Internet is
2 legitimate does not mean that, in the Department's view, it is
3 legitimate? It may be, but it may not be.

4 A. The sad reality, we all know, is that the Internet
5 is full of -- some things are true. Some things are totally
6 garbage. Some things are patently false. Some things there
7 are outrageous. It doesn't tell you much to say something is
8 on the Internet. We have to see the actual evidence.

9 Q. So, for instance, the whole Italygate theory, which
10 we'll go into briefly in a little bit, that was a thing that
11 was on the Internet.

12 But the mere fact that that was on the Internet,
13 would not, in the Department's view, have meant that it was,
14 "legitimate"?

15 A. Well, being on the Internet does not tell us that
16 something is accurate or valid or truthful. There's some real
17 trash. There is really no quality control on what people can
18 post.

19 Q. So along the same lines in terms of the President
20 expressing frustration, displeasure that the Department was,
21 in his view, not looking into things on the Internet, things
22 that he viewed as legitimate. There's this notation in the
23 notes that my colleague asked you about earlier. It starts at
24 the bottom of -738 and it carries over to the top of -739.

25 And it's a -- the notation following the

1 exchange in which you indicated you said that "DOJ won't use
2 its authority to flip a switch and change the election."

3 And then there's this response from the President
4 to the effect of "I don't expect you to do that. Just say the
5 election was corrupt and leave the rest to me and the
6 Republican Congressmen."

7 What did you take him to mean when he said, "Just
8 say the election was corrupt and leave the rest to me"?

9 A. So at the risk of repeating what I said earlier,
10 they are not my notes. It was a longer conversation than the
11 notes. I don't have any reason to challenge what Rich wrote
12 down, but I have a more general recollection of the President
13 making the argument, "People are telling me that there is
14 fraud. You say there isn't, but people say there is. Why
15 aren't you finding it?
16 Shouldn't you be more energetic?"

17 I don't remember exactly what he said, but
18 more vigorous, in some sense, at finding the fraud.

19 And, "You should be out there finding it and
20 saying so."

21 And my point is, "Well, we have done our jobs
22 appropriately. Any American who knows of any evidence can
23 walk into any FBI field office or a U.S. Attorney's Office or
24 Department of Justice, and we don't see that. So we are not in
25 a position to do it. And so we're not going to just have a

1 press conference."

2 I think that's actually what he said, "Just
3 have a press conference."

4 "No, we can't have a press conference because
5 there isn't a factual foundation to justify that."

6 I think this now is clearer. So we never had
7 any such press conference or any such public statements saying
8 there was election fraud, because that would not be consistent
9 with the facts.

10 Q. So it sounds to me, based on your description, that
11 he was almost less concerned about whether the Department
12 actually took steps to and also did uncover election fraud,
13 and it was more that he wanted you to make some sort of public
14 statement indicating that you were looking into it.

15 Is that the consistent with your
16 recollection?

17 A. Well, as I said to your colleague, I don't want to
18 get in the posture of trying to say what was in the
19 President's brain. I can more explain what I remember him
20 saying to me.

21 In terms of what would have satisfied him or
22 not satisfied him, unless he communicated that, I don't think
23 I'm in a posture to claim that I can read his mind and tell
24 you what he's thinking.

25 I think at different junctures he suggested

1 public communications, but at other points he asked for a
2 Supreme Court filing. He asked at some juncture about special
3 counsel. So I think there were a mix of actions that he
4 referenced as wanting or at least suggested. Sometimes there
5 were "Other people have said."

6 But I don't remember him prioritizing, "the
7 thing I want most is this or that." The one consistent theme
8 was there's "I am told and assert that there is fraud, and you
9 guys should have found it. Why aren't you doing your job?"

10 Q. Fair enough.

11 Certainly, one of the things -- irrespective
12 of how he may have prioritized it in his own mind, but one of
13 the things that he asked the Department to do was make some
14 sort of public statement.

15 A. I think that's right, that he said "You should be" -
16 - in substance, "You should have found this fraud, and you
17 should say so."

18 Q. Was he any more specific about what he hoped the
19 Department would say in the press conference?

20 A. The parts that I remember were just more his
21 emphasizing that he had been told or he heard or he thought or
22 some variation of there's fraud in Pennsylvania and there's
23 fraud in Georgia. You should be looking at that and doing
24 something about it. So doing something about it, as I alluded
25 to earlier, varied at different junctures.

1 Q. I'd like to move on to the next day.

2 I think you have a portion of this document
3 already in one of the Minority exhibits, but we'll give you a
4 different copy.

5 This will be Exhibit Number 6. This will be
6 Exhibit Number 6. And it starts at Bates No. -6697 at the
7 bottom.

8 (Exhibit 6, email, was marked.)

9 Mr. Rosen. -697?

10 BY MS. ZDEB.

11 Q. -697. Do you have it?

12 A. Yes.

13 Q. This is the December 28, 2020, email that you and
14 Mr. Donoghue received from Jeff Clark.

15 A. It's kind of remarkable, wouldn't you agree?
16 You don't need to answer that.

17 Q. I'm not the witness.

18 But yes. So he sends you this email.
19 Subject line is "Two Urgent Action Items."

20 I want to ask you about the first action item
21 before we get to the letter. So he makes this request for a
22 classified briefing from the Director of National
23 Intelligence.

24 Did you have a sense of the context for that
25 request? What was your reaction to that component of his

1 email?

2 A. So as best I recall, this email came somewhat out of
3 the blue, as to its content. I think what happened, the way I
4 remember it, was my assistant told me that Jeff Clark wanted
5 to have a meeting with me. That wasn't a total surprise, given
6 my weekend conversation. But the content of that meeting
7 turned out to be a surprise.

8 So I set up the meeting. And I think I had a
9 busy day and couldn't do it until 6:00, or something like
10 that. And it shows on the email, it says 4:40 p.m.

11 This email comes across and it's strange. So Rich
12 Donoghue and I have a discussion about it. And the gist is we
13 should not do these things, and then we had the meeting, which
14 I'll be happy to tell you about.

15 But on your specific question about the
16 meeting, the proposal regarding the director of ODNI. Because
17 he was head of the Civil Division, Jeff Clark he did have
18 security clearances, but he didn't have responsibility for
19 election issues. And at least at that point, I was unaware if
20 there was any election-related litigation or something that
21 would justify him having a role in this.

22 So I didn't -- at this juncture, my thought
23 was it was not appropriate, and that changed at the meeting we
24 subsequently had.

25 But I think you were asking me what was my

1 reaction to this.

2 Q. Yes. For instance, there's a line in his email
3 alluding to information in the public domain from hackers that
4 a Dominion machine accessed the Internet through a smart
5 thermostat with a net-connecting trail leading back to China.
6 And I'm just curious as someone who, as you described earlier,
7 had known this guy for quite some time, how did that sort of
8 statement strike you?

9 A. I was confused, as in, what's going on with Jeff
10 Clark? That this is inconsistent with how I perceived him in
11 the past. And there's a reference in that paragraph you were
12 talking about where it talks about the smart thermostat
13 controlling voting machines. He says "white hat hackers have
14 evidence in the public domain." White hat hackers?

15 This, again, sounds like Internet theories. He says
16 thermostats; he said they had access to the Internet.

17 And at the meeting, there were further things
18 he said that were a little off-kilter too. One of them came
19 up. He has some email that he wants his title changed. Oddly
20 enough, he said that multiple times, that he wanted -- he was
21 -- he was actually

22 Senate-confirmed as the head of the Environment and National
23 Resource Division; but at the time, he acted as the Civil
24 Division, the head of the Civil Division in the Department.

25 And he wanted the "Acting" taken off his title

1 of the Civil Division. And he had this theory that there was
2 an old OLC opinion that empowered the Attorney General to do
3 that. OLC's head was -- at the time, Steve Engel -- he was
4 very opposed to this idea. And I was not an expert in the
5 underlying law. I had very high regard for Steve Engel's
6 capabilities, but I didn't really want to referee could it be
7 done or whatever.

8 We're at December 28. There's less than a
9 month in the administration, and you want to change
10 your title. This came up multiple times. That's why it
11 stayed with me.

12 So I think we're getting to the point of
13 we're realizing there is something off-kilter at this time,
14 yes. It's even more evident in hindsight, but at the time, I
15 did think he's meeting with the President and now he wants to
16 be briefed by the DNI on thermostats plus the title change.
17 Just what is going on here with Jeff Clark?

18 Q. So to set the stage for this meeting, you had
19 mentioned a couple of times, of course, that the other thing
20 that he lays out in the email is his proposal to send a letter
21 to Georgia and potentially other states.

22 I think this is implicit in some of your --
23 the comments that you've made already, but what was your
24 reaction to that aspect of his proposal?

25 A. So Rich Donoghue and I had discussed it ahead of

1 time. We said generally we don't want to do this, but decided
2 to go ahead and have the meeting in part -what you're getting
3 at, is to figure out what's going on, and to try to figure out
4 with Jeff Clark, what's going on with this.

5 So we met with him. He came to my conference
6 room, and he more or less repeated things that are in the
7 email. He wanted to -- I think he also wanted me to have a
8 press conference and say there was corruption. And both Rich
9 Donoghue and I -- I think this is after Rich and I had talked.
10 Rich sent an email back to Jeff that said that this is not
11 going to happen.

12 I remember Mr. Donoghue gave Mr. Clark a bit of a hard
13 time about the meeting he had with the President. He was
14 still maintaining he had been sort of inadvertently conned
15 into it. And I rejected, at that time, the request for the
16 DNI briefing.

17 On the letter, I think there were so many
18 problems with that, but part of it was it's not the Justice
19 Department's responsibility. We're not election officials.
20 We're not the global Secretary of
21 State or something; "Georgia, you should be doing this.
22 And, Arizona, you have to do this."

23 It's almost independent from the legal
24 arguments, which was not -- it's just not our role. So we had
25 some discussion about that. So I remember I was trying to

1 draw him out, "Why do you want to do this?

2 Why do you think this is a good idea? Why?"

3 And I think it was somewhat unproductive. I
4 thought there was a chance that he might say that he was
5 working with other folks or tell me, but he basically said,
6 "These are my ideas. I think these are good ideas."

7 And so the meeting was a little bit -- not a
8 little bit, actually -- parts of it were contentious. I had
9 given him a little bit -- I had given him my dissatisfaction
10 with the fact that he met with the President without my
11 knowledge and not even told me about it after that. I think
12 Rich Donoghue reinforced that strongly. And I think Jeff
13 Clark took that less well the second time. But that's neither
14 here nor there. It was ridiculous.

15 We spent a fair amount of time on this. He
16 wanted to do these things and we told him no. But the one
17 thing in my mind that was consequential was when we told him
18 we didn't want to do this, he basically accepted it at that
19 time.

20 Q. Did he seem --

21 A. He seemed accepting. Like, "Oh, these are my ideas.
22 I think they are good ideas. You don't like them. Okay.
23 Then, I guess we won't do it."

24 So at this juncture -- separating what he did then
25 versus what he did later -- at the time, it still seemed as

1 though he was recognizing that there's a change of command,
2 that his suggestions would be rejected, and he should just do
3 his job in a proper way. So he appeared to be accepting. He
4 wasn't pushing back, saying "I have right to meet the
5 President," or something like that. He was -- at that point,
6 he said, "You don't have to tell me six times. I don't want to
7 have a meeting." And "Okay. You don't want to do the
8 briefing. I really think, you know, it would be useful, but
9 okay."

10 So it was kind of a first phase. He was
11 suggesting that, you know, he heard the direction he was
12 receiving.

13 The next couple of days, he kind of did. You
14 may remember -- it was during that week that Congressmen
15 Gohmert filed a lawsuit suggesting the Vice President would
16 overturn the election. And we opposed that and filed a motion
17 to dismiss -- I referenced this in my preliminary remarks.
18 The Civil Division did actually file that brief. And my
19 recollection is that the acting head of the Civil Division is
20 on the brief. So for a little bit, it looked like someone had
21 --

22 Q. When you discussed the letter with him at this
23 meeting, did he indicate which other states he proposed
24 sending it to? Was the letter styled as a proof of concept --

25 A. Yes.

1 Q. -- in reference to replicating it outside of Georgia?

2 A I think he did. I think it was five other states.

3 Pennsylvania. It was Georgia. It was Pennsylvania,

4 Michigan, Wisconsin, Arizona, and then

5 Nevada, if I recall correctly.

6 Q. Did he give any indication during this conversation

7 as to whether he had discussed the proposal with the

8 President?

9 A. Not at this juncture.

10 Q. And you mentioned trying to get a sense from him of

11 whether he was working with anyone else or just working as a

12 solo operator, essentially.

13 Do you know who Kenneth Klukowski is?

14 A. I don't recognize that as somebody that I know. I

15 have come to learn, through preparing for today, he was at the

16 Department of Justice. At the time, I don't think that name

17 registered with me.

18 Q. So you had no sense one way or the other as to

19 whether he is someone that may have been working with Clark on

20 this?

21 A. Right. I don't know.

22 As I alluded to earlier, at least from my

23 vantage point, there's some unknowns about both the direction

24 of causality and who else might have been involved. But what

25 I know of it really just came from Jeff Clark and a couple

1 brief references from the President.

2 And then when I met with Jeff Clark, both
3 this Monday, December 28th, and the subsequent meeting, he
4 never referenced these people or how a meeting got brought up.
5 You know, "I got a team working on it," or something like
6 that.

7 Q How about Douglas Smith? Is that a name that rings a
8 bell?

9 A. It does. That was Jeff Clark's Chief of Staff in
10 the Civil Division. But I don't have any awareness of -- at
11 the time, he didn't come with Jeff Clark to the meetings, and
12 Jeff Clark did not reference Doug Smith.

13 Q. I want to move on to the next day, the 29th.
14 Do you recall a meeting at the White House
15 that day? This was the day after you got this letter from
16 Jeff Clark.

17 A. Do I recall a meeting at the White House? Yes. I
18 had lunch with Pat Cipollone, who was White House counsel, who
19 is a long-time social friend, as well as a one-time colleague.
20 So we met in December together during the holidays.

21 But at that time, I did fill him in on that
22 something odd was going on with Jeff Clark. And I told him a
23 few of the things we talked about, that Jeff
24 Clark was apparently in some kind of meeting with the
25 President shortly before Christmas and these proposals that

1 he's making.

2 I said, you know, "This is odd."

3 And I think it's then that I asked Pat
4 Cipollone, "Are you aware that the head of the Civil
5 Division met with the President of the United States?"

6 He was not.

7 Q. And just so I am clear, is this a one-on-one
8 conversation between you and Pat Cipollone, or was it part of
9 a meeting that also included Rich Donoghue, Steven Engel, Mark
10 Meadows?

11 A. I think what happened was part of -- I think Pat
12 Cipollone and I had lunch. It was either alone or possibly
13 Pat Philbin, his deputy chief, and who was someone I knew for
14 a long time. But there was a meeting subsequently scheduled
15 for the same day that afternoon, because Mr. Meadows, Chief of
16 Staff Meadows, wanted to talk to us about some oversight
17 requests that Congress had been asking for. And at least as
18 Mr. Meadows communicated it, AG Barr had said that the
19 accommodation he worked out was done, but members of Congress,
20 representatives -- were contacting Mr. Meadows and saying it's
21 not resolved. And so he wanted to have a discussion about
22 what are you guys doing to address this with regard to -- I
23 think this specific subject isn't really the election-related
24 issue, but it was about an oversight request.

25 Q. And so when you -- when you had this meeting, did

1 the topic of the election also come up?

2 A. My recollection is that the meeting was primarily of
3 the oversight issues. But in some manner, before we left, Mr.
4 Meadows raised a couple of election items.

5 Q. Do you recall what those items were?

6 A. I think one of them was the Pennsylvania -the idea
7 that the United States file a Supreme Court case. And I think
8 Steve Engel and I, maybe Rich
9 Donoghue too, said "That's not viable."

10 Q. And how did that come up? Was the inquiry from the
11 Chief of Staff?

12 A. I think so.

13 Q. And what did that inquiry consist of? Was it a
14 status update? Was it suggesting that this is something that
15 the Department should do?

16 A. So the specifics -- what I remember is the meeting
17 is about the oversight things. I think at this juncture, the
18 draft brief, or whatever it was, had come over, had already
19 happened. So I don't think it was a new thing. I think he
20 was saying something like, "Well, what are you guys doing with
21 that?"

22 And the thing I remember is I was just saying
23 it's not viable. I don't remember if we went into in that
24 great a detail or not. So at least to my recollection, that
25 wasn't what the meeting was for. It was something he had kind

1 of thrown in.

2 And I'm trying to remember it. I think there
3 may have been something else that was in the same category of
4 "Are you guys following up on something, or are you assembling
5 a plan for this?" There may be records or something that
6 would help me with that.

7 Because my recollection of that discussion
8 was so dominated by the oversight issue, which let's say, with
9 respect to the Senators present, it's not really my favorite
10 thing to spend time on.
11 It's important, and --

12 Q. Don't tell Senator Whitehouse that.

13 Ms. Zdeb. I see that I've reached the end of
14 my hour. I've actually gone a little bit over, so why don't
15 we hit "pause" here and we can go off the record.

16 Mr. Rosen. Before we break, let me just say
17 for the record, even though I'm no longer a public official, I
18 did believe that I was a government official, that being
19 responsive to Congress was a significant responsibility. So I
20 mean no disrespect in that in any way.

21 I just mean that you hope that you tell your
22 staff, please be responsive and get these things done. So
23 having to spend some time with the White House Chief of Staff
24 on that wasn't my preferred use of time, but it's what we
25 needed to do, I think.

1 MALE SPEAKER. Before we go off, I think
2 we were joined by another Senator; is that right?

3 Ms. Zdeb. Yes, I'm sorry. For the record,
4 Senator Sasse has entered the room.

5 (Discussion off the record.)

6 Mr. Flynn-Brown. We'll go back on the record
7 at 2:28.

8 BY MR. FLYNN-BROWN.

9 Q. Mr. Rosen, I'm going to quickly go back to the
10 January 3rd meeting that we discussed. So you've discussed
11 a lot of phone calls and emails and conversations leading up
12 to January 3rd. So January 3, 2021, that meeting with the
13 President was the culmination of a lot of different
14 communications and, say, frustrations with respect to how
15 the Justice Department was handling election allegations, is
16 that correct?

17 A. I think that's right.

18 Q. Okay. So when the President decided
19 ultimately to reject sending the draft Clark letter and
20 decided to keep you on as Acting Attorney General -you went
21 into this a little bit in the previous hour.
22 The meeting adjourns. The decisions have been made. Everybody
23 knows what needs to be done.

24 Did you talk with Cipollone afterwards?

25 I don't just mean immediately; maybe a day or two later or

1 hours later? Or was it simply literally understood, at that
2 point, the President made his decision and there was nothing
3 to talk about?

4 A. So the meeting ended, and we were heading out. Pat
5 Cipollone invited Pat Philbin and Rich Donoghue and me to just
6 walk up to his office for a couple minutes. I remember seeing
7 Jeff Clark as we were leaving, and he said something odd, like
8 "Can I join you," or "Best wishes to all," or something like
9 that. And we did not invite him to join us. And he headed
10 out.

11 But then I spoke briefly afterwards to the
12 two from White House counsel, and Rich Donoghue and me. And we
13 all had the same thought, which is "Well, this is now
14 resolved. It's done." And I think I did not get called by
15 the President in the next few days.

16 Q. When you say "White House counsel," you mean
17 Cipollone and Philbin; right?

18 A. Yes.

19 Q. And there was a sense of relief among you that it
20 was finally decided?

21 A. I'm sorry, say it again.

22 Q. There was a sense of relief among the four of you
23 that it was finally decided?

24 A. I suppose. I mean, we were pleased that the
25 President had made what I regarded as the correct decision.

1 Even though, as I said, he opened the meeting by saying "One
2 thing we know is Jeff Rosen leading the Justice Department,
3 nothing is going to get done in trying to overturn the
4 election."

5 Q. Sorry?

6 A. I'm saying of course I was pleased because it's my
7 position -- I had acknowledged -- he had said early in that
8 meeting, "One thing we know is you, Rosen, aren't going to do
9 anything to overturn the election."

10 I said, "That's true. But sometimes that's
11 the best course because it's based on the law and the facts.
12 It's consistent with what's in the best interest of the
13 country."

14 And so he had said initially -- it wasn't
15 necessarily a very encouraging moment earlier. It's "One
16 thing we know you're not going to do this, and this other guy
17 might," but it didn't get to that point.

18 So I think you were asking were we pleased. Well,
19 yeah, of course. Because I thought it was the right outcome.
20 And as I told you, I think all six of the participants, other
21 than Mr. Clark, were in that posture.

22 Q. Are you aware of the draft complaint, the United
23 States of America versus the states of Pennsylvania, Georgia,
24 Michigan, Wisconsin, Arizona, and Nevada?

25 A. Say that again.

1 Q. The draft complaint of the United States of America
2 versus the Commonwealth of Pennsylvania, State of Georgia --

3 A. Yes, sir. That's right. I testified before the
4 break, yes, that this draft was prepared, I guess, by someone
5 outside, because it wasn't prepared by the Department of
6 Justice, yeah, there's a whole chapter about that, which I'm
7 happy to tell you about.

8 Q. Please do.

9 So you talked to the President about this
10 draft; correct?

11 A. Yes, but this mostly occurred about two days --
12 maybe a day or two before then, but it was sent over, I think
13 to several of us. Maybe Jeff Wall, the Solicitor General.
14 And we thought, "What is this?" Because we didn't write it.

15 And as I alluded to, we felt this is not
16 something we're going to do. But I got an inquiry. It was
17 this sort of passing reference at the meeting with Chief of
18 Staff Meadows. "What do you guys think? What are you doing
19 here? Let's follow up. What he said doesn't appear
20 believable."

21 And then the President, at one point, I think
22 that day, asked me "Have you seen any writing," or something,
23 maybe it was -- maybe that was Mr. Meadows.
24 I don't know exactly.

25 But then there was this odd piece, which is

1 an outside lawyer by the name of Kurt Olsen made these almost
2 all day-long efforts to get me in a meeting. I had a general
3 practice that I wasn't just going to be meeting with anybody
4 who was in the campaign. I didn't think that that was my
5 role.

6 So I had previously declined. I think the
7 President asked me if I could talk to Mr. Giuliani and some
8 others, and I said no. But this lawyer kept leaving me
9 messages with the Solicitor General, my chief of staff, with
10 others, that it's urgent.

11 And I basically said I'm not going to do it.
12 But at some point in the afternoon, I think this is
13 that Tuesday the 20th, my cell phone, my DOJ cell phone,
14 started ringing with a number I didn't recognize. And when
15 that happens, like, three times in a row, it didn't occur to
16 me that's him. Because he would call at my desk office and
17 was calling all around the Department.

18 So I picked up. And it's Kurt Olsen saying, "Have
19 you seen the draft, the Pennsylvania brief? It's extremely
20 important that this get done."

21 And initially, yes, I was annoyed that --
22 it's like I answered a phone solicitor or something.
23 But -- so I initially I had some small talk with him.
24 And then he was pushing that he claimed that the
25 President wanted this brief.

1 And I said, "How do you know the President wants
2 this? Who are you?"

3 He said, "Oh, we're working very closely with
4 the states that have filed a somewhat similar case previously
5 that the Supreme Court had declined to take."

6 So I said, "Well, you know, in that case,
7 there was no standing. So this doesn't work."

8 He said, "Well, I can show otherwise."

9 That it was, I recall, it was like a
10 polite brushoff. That's how the first call ended.

11 The next day -- so in the meantime, knowing
12 that I was probably going to have to discuss that with the
13 President at some point, I asked the Solicitor General's
14 Office to prepare kind of a bullet list of various points on
15 this thing. I knew we wouldn't do it, but I had a strong
16 feeling that it's better to be able to explain that.

17 So I asked them to do the list. And they did
18 a good list for lawyers, but it wasn't in plain English. So I
19 asked Steve Engel, who was head of OLC, who was generally at
20 my side since the day I became Attorney General, "Steve, can
21 you help me sort of put this in plain English?"

22 So he then prepared some brief points. But while I
23 was waiting on those so I could deal with it, telling the
24 President not to do it, Kurt Olsen calls again. I don't
25 remember how he got me. It was kind of the same thing. He

1 would leave messages. But to my surprise, he's aggressive.

2 "The President wants you to file this brief
3 by noon today."

4 "Oh, yeah? He didn't tell me that."

5 And "I had sent you some of the authorities that
6 show there is standing."

7 I said, "Well, I'm not discussing the
8 substance of this with you. If the President has something he
9 wants, he and I will discuss it with him.
10 You're no longer in this conversation."

11 And he got sort of aggravated by that. He
12 said, "You're going to force me to call the President and tell
13 him you're recalcitrant," or whatever it is. I said, "This
14 conversation is over."

15 And so that told me -- I think I challenged
16 him on that. "How do I know you have ever even spoken with
17 the President? Just because you are saying it?"

18 And he didn't like that. He said, "I've told
19 you who I represent."

20 So I figured this needs to get called up to
21 the President. I am not talking to outsiders. I rejected
22 further discussion with him. To the best of my recollection,
23 that episode was the only time, and it's the last time I spoke
24 to someone on the outside about these things. I tried not to
25 engage, but I did make it -- even today, I think it's the

1 proper thing to do. Although, I did tell him -- I told him "I
2 will tell the President DOJ's position, not you."

3 So at that point -- I'm trying to sort out did
4 the President call me or did I call him. I think he called
5 me. Or it may have been, if I called him, it was because I
6 got a message that he wanted to talk to me.

7 Q And what is the exact date, for the record?

8 A. This is Wednesday afternoon, the 30th of
9 December.

10 And I know I didn't initiate calls to the President
11 to talk about election stuff, but it's possible that I got
12 word "He wants to call you. Or he wants to hear from you.
13 You know, he's in Mar-a-Lago.
14 Be at this number at 3:00," or something like that.

15 I don't think that's very material. But I
16 just can't say who actually placed the call.

17 But I spoke to him that afternoon, and I told
18 him this idea of filing the Supreme Court case was a bad idea,
19 doesn't work. The Department of Justice can't do it.

20 And I had taken the outline that Steve Engel
21 had given me. I didn't use it literally. I relied on it.
22 But I sort of said, "There's five different reasons." I laid
23 those out for him.

24 And he went "Okay."

25 So then he accepted it. And that was the

1 end. That was kind of the end of that, which is why I think
2 in the earlier conversation I had with your colleague about
3 the December 31 meeting, I think the discussion about the
4 Supreme Court brief had already been resolved. I can't say,
5 definitively, if it came back the next day, but I don't think
6 so. I think it was resolved in that phone call. Things came
7 up, and we just said we're not doing it. And that was it.

8 Q. So the President yet again took your advice?

9 A. Well, he accepted the Department's position that we
10 weren't going to do that. He didn't resist it or deliver an
11 ultimatum or try to overrule us.

12 Q. So after you gave him the list of five reasons
13 against filing the complaint --

14 A. Yes.

15 Q -- his literal response was "Okay," or did he say
16 anything else? Did he challenge you on any of the five?

17 A. No. No. He accepted that we were not going to file
18 that, and that was that.

19 Q. Was that the last time that you discussed this draft
20 complaint with the President?

21 A. To the best of my recollection, it was.

22 Again, I'm not trying to split hairs here,
23 it's possible that it briefly came up the next day, at this
24 point, in passing. I don't think so. My best recollection is
25 that was the last time. I'm acknowledging the flaws of human

1 memory, I guess.

2 Mr. Flynn-Brown. For the record, Senator
3 Blackburn is here.

4 Mr. Rosen. Senator Blackburn, nice to see
5 you.

6 BY MR. FLYNN-BROWN.

7 Q. Okay. So we talked about the January 3 meeting. We
8 talked about the draft complaint. We talked about the Clark-
9 related matters.

10 I'd like to turn to the exhibit that I was
11 going to turn to in the first hour. We started to talk about
12 the Public Integrity Unit at the DOJ and the Election
13 Crimes Branch. So please go to Bates -751 to -754.

14 A. All right. I have the exhibit.

15 Mr. Flynn-Brown. Just to keep track of the
16 Exhibits, let's check to make sure what number we're on.

17 Ms. McClain Walton. I have the next exhibit
18 as Exhibit 7. Yes, the next number is Exhibit 7.

19 (Exhibit 7, email, was marked.)

20 BY MR. FLYNN-BROWN.

21 Q. Sir, let me know if you need to review this or if
22 you're ready.

23 A. Well, I'm ready, because I've looked at it and I've
24 spent time on it.

25 And so, I guess, we will see what your question is,

1 but I suspect I'm not -- the best one to address it.

2 Q. Fair enough.

3 And one of the reasons why I want to
4 introduce it as an exhibit is the context with respect to some
5 of the tension in the Public Integrity Unit and the FBI and
6 Main Justice.

7 So this is a December 7, 2020, exchange between
8 Rich Donoghue and Dave Bowdich, who was the Deputy Director at
9 the FBI at that time.

10 Do you see in the email here Donoghue
11 references the State Farm Arena allegations? Do you see that
12 in that first paragraph?

13 A. Yes.

14 Q. Do you recall what those were?

15 A. I don't. I don't remember. State Farm Arena
16 allegations? It's possible you could refresh me on that, but
17 right now I don't remember what that is.

18 Q. So this email chain originated with a gentleman by
19 the name of Corey Amundson, who was the Chief of the Public
20 Integrity Section.

21 He says, in part, in this email "As explained
22 below, PIN," the Public Integrity Section, "does not concur in
23 any overt investigative activity, including the proposed
24 interviews."

25 We got into this a little bit in the first

1 hour, and I want to try get through it to the extent that we
2 can.

3 Are you aware of how many times the Public
4 Integrity Section provided a non-concurrence to potential
5 investigative activity related to the 2020 election prior to
6 the election certification?

7 A. So this correspondence is from Rich Donoghue, as is
8 the one attached at the back. I think it probably would be
9 better to ask Mr. Donoghue about it.

10 I'm not going to say, I don't specifically
11 recall the incident about State Farm Arena allegations. So I'm
12 not sure I'm the most helpful one to go through this.

13 Q. Okay. Well, let's move on.

14 So in the email -- excuse me, the document
15 states, "Unfortunately, this is a continuation of a policy
16 disagreement between the Election Crimes Branch, PIN," which
17 is the Public Integrity Unit, "and the AG," the Attorney
18 General.

19 I believe the reference to the AG may be Barr
20 because of his memo, the November memo that we had discussed
21 previously.

22 A. That seems like a reasonable assumption.
23 And, again, that date, December 7, AG Barr is the AG and has
24 not announced his resignation at that point.

25 Q. So what I'm interested in here is the word

1 "continuation."

2 So when Donoghue says -- at the time of this,
3 you're the deputy attorney general at that point?

4 A. That's right.

5 Q. So when Donoghue says "continuation," it seems to
6 imply repeated conduct with respect to the Public Integrity
7 Unit.

8 Is that something that you can comment on?

9 A. I don't think so. I think I alluded to earlier that
10 I have a situational awareness of some friction, but when you
11 start getting into who said what to who, or what position
12 Corey Amundson had or Dave Bowdich, I don't think -- I don't
13 think I have a degree of granularity to testify specifically
14 to that.

15 Q. Other than this email exchange about the Public
16 Integrity Unit when Attorney General Barr altered the policy
17 with respect to taking investigative steps prior to
18 certification, are you aware of any Justice Department
19 personnel or units that did not comply with that directive?

20 A. The -- again, I think I alluded to this earlier.
21 There are some processes where there are disputes that are
22 elevated to the Deputy Attorney General. I don't have any
23 recollection of having this issue brought to me for some kind
24 of resolution. So as I sit here, I don't have recollection of
25 people telling me the things you're getting at.

1 I was not part of the equation. I think
2 the Department works these things out. I don't think I'm in a
3 position to really create a record on that.

4 Q. So aside from the State Farm Arena allegations, are
5 you aware of whether or not the Public Integrity Section and
6 the Election Crimes Branch opened any election crime cases
7 before the 2020 election was certified?

8 A. I think that I may need to refer you to the DOJ
9 folks that are here as to the authorization for my appearance
10 today was very explicit about the topics we've covered. It
11 was a reservation of talking about individual cases that
12 existed or are pending. I try to stay within the confines of
13 the guidance, so I --

14 Q. Since DOJ is here, do you want to offer any comment
15 on this issue? My questions are based on the documents that
16 the Department provided.

17 Mr. Weinsheimer. Yeah, they offered -- they
18 commented on many things. As the witness has indicated, he's
19 limited with respect to the authorization. He can't talk
20 about prosecutorial decisions in particular cases. He doesn't
21 know anything about this particular case. He cannot talk
22 about specific cases.

23 To the extent that there are allegations
24 pursuant to the authorization that are actually from the White
25 House, those are things that he's been authorized to talk

1 about.

2 Mr. Flynn-Brown. I believe I had five objections
3 in the first interview and that's one today. Four more to go.

4 BY MR. FLYNN-BROWN.

5 Q. What FBI unit does the Public Integrity Unit
6 interface with regarding election crimes?

7 Mr. Rosen. [To DOJ counsel:] Internal DOJ
8 organization, do you have any problem with that?

9 Okay. The FBI has a counterpart called the Public
10 Integrity Unit. So, ordinarily, that would be the relation.
11 There can be variants to that because the information could
12 come into the FBI field office in a way that this needs --
13 someone might need to call that number or vice versa. But the
14 FBI does have a Public Integrity Section.

15 BY MR. FLYNN-BROWN.

16 Q. So I'd like better to understand the Department's
17 process to receive and vet these voter fraud and election-
18 related allegations.

19 Are you generally aware of the processes in
20 play in the 2020 election?

21 A. In a big picture, maybe in a managerial way. I'm not
22 working individual cases with special agents in the field, but
23 in a managerial kind of way.

24 Q. So what was the intake process at the Justice
25 Department? What was the main method or mechanism by which

1 the Department received allegations? Did it start from the
2 FBI field offices? Did it come from
3 Main Justice?

4 A. All the above.

5 Q. Okay.

6 A. There's multiple ways. There's 55 FBI field
7 offices, and an American citizen who knows of wrongdoing can
8 certainly report it to the FBI at either a field office or
9 headquarters. Sometimes wrongdoing is learned by state
10 authorities who decide that there's Fed issues at stake. They
11 report it to the FBI, to the local police. It could be
12 election officials.

13 There's not a single formula that says "This
14 is the only way that information about potential wrongdoing is
15 addressed." There's multiple ways.

16 Q. During the 2020 election, do you recall whether most
17 of the allegations came through the FBI first or whether they
18 went through the DOJ proper?

19 A. I think that we're getting into a quantitative area
20 that, you know, something that would require more consultation
21 with staff and others to be able to answer your question in an
22 accurate manner.

23 Q. So with respect to the Justice Department, and
24 specifically the Justice Department proper, how many personnel
25 were responsible for vetting voter fraud and election crime-

1 related allegations?

2 A. Well, "potentially" responsible makes it a pretty
3 sizeable number across the FBI investigator offices and the
4 Criminal Division. And, of course, if it is someone else that
5 gets a report, they will work with the FBI and channel it to
6 the appropriate location.

7 So if you're in the Drug Enforcement
8 Administration, you would still have responsibility to pass on
9 information. But I don't have an exact number, but it's a
10 considerable number of people that potentially are able to
11 address those issues.

12 Q. Thanks, sir.

13 So the general process, though, with respect
14 to the FBI, an allegation is vetted at the Field Office level
15 and eventually, if it's good enough, for lack of a better
16 phrase, it moves up the leadership chain. Then, the Justice
17 Department becomes involved at that point?

18 A. I apologize, but I missed the beginning of the
19 question.

20 Q. So the general process is the FBI does the intake
21 first. They vet it and they investigate it, and then they
22 move it up the chain. And eventually the Justice Department
23 is supposed to receive some sort of notification about the
24 allegation.

25 Is that the general process?

1 A. It's one of the potential processes. I do think, to
2 the extent you really want to understand those processes, I
3 would like to suggest that the FBI and the Criminal Division
4 could provide greater detail. For me, I rely on them to brief
5 me as needed, and follow up if I need to ask.

6 But as I said, I'm not responsible for
7 individual cases, if I understand the big picture of the
8 process. And the Department of Justice has 115,000 people.
9 I'm just the Acting Attorney General. So it's a big
10 organization.

11 Mr. Flynn-Brown. So let's turn to Bates
12 stamp -714. I believe this is going to be Exhibit 8.

13 (Exhibit 8, notes, was
14 marked.) Mr. Rosen. Okay.

15 BY MR. FLYNN-BROWN.

16 Q. The top says "Meeting with DAG + Jeff Clark -
17 6th floor."

18 "DAG" refers to you, sir; is that correct?

19 A. That would be my interpretation. These are not my
20 notes. I think from the handwriting it's maybe Rich
21 Donoghue's notes. I don't think I took notes of this meeting
22 or the other meeting.

23 Q. So in the middle of the page, I believe it says,
24 "Thinks he saw trucks move ballots to shredding location."

25 It's not clear based on the notes who "he"

1 is, per se.

2 Next, the notes say, "Cobb County - woman who
3 worked at facility testified at the Georgia Senate Hearing
4 that she saw shred trucks at election location."

5 Are you aware of whether or not these
6 allegations were investigated by the Justice Department or
7 FBI?

8 A. So my understanding is these are things
9 that's been previously investigated by both the Georgia
10 authorities and DOJ authorities. I think this needs a half
11 step back.

12 So this is a Saturday, January 2, meeting
13 with Jeff Clark. I don't think that the notes are
14 comprehensive. I'm not saying they're inaccurate as to what
15 they say. Again, they're not my notes, but I remember this
16 meeting. And so we should take a half step back as to where
17 did this meeting come from. We haven't talked about that.

18 But my recollection is that either Thursday
19 night, New Year's Eve, December 31, or Friday morning, New
20 Year's Day, I had either a meeting or a conversation with Jeff
21 Clark. And at that time, he shared with me that he had had
22 another meeting with the President, and that -- which was
23 contrary to this assurance to me that that wouldn't happen
24 again. And he had not told me in advance that he was going to
25 a meeting with him.

1 And he said at that time that the President
2 wanted him to consider whether he would be willing to take
3 over my job if the President wanted him to. It wasn't to say
4 that it would happen, but if the President wanted -- according
5 to Jeff Clark -- and I did not hear that from the President.
6 But according to Jeff Clark, the President was targeting
7 Monday for Jeff Clark to let him know whether he would be
8 willing to entertain the possibility of replacing me and
9 implementing a different approach.

10 So to say that I was disappointed to hear
11 that he had another meeting with the President, without
12 telling me, was a significant understatement. Guessing you
13 can probably gather how I felt about it and it wasn't
14 positive.

15 So at that point, he renewed his request to
16 have a DNI briefing. And I had to consider, he says he is
17 meeting with the President, but he's telling me that he just
18 wants to do some due diligence because, if he agrees with me
19 and Donoghue that there isn't corruption, malfeasance, he may
20 just tell the President no.

21 So this is a challenging assessment. He does
22 have the clearance. And my thought is he's going to advise
23 the President, whether I like it or not. I don't think that's
24 appropriate. But maybe the best thing is for him to know
25 something, because maybe he'll come to his senses and join

1 what I believe is the overall department position -- that
2 there's no facts that create a proper foundation for saying
3 the election results should not be certified.

4 So I contacted the DNI Director and asked him
5 if he would be amenable to give Mr. Clark the briefing that I
6 had previously had. He agreed. And I'm not going to talk
7 about the substance of it for obvious reasons, but Clark had
8 that --

9 Q. Are those reasons because they are classified?

10 A. Yes. Yes.

11 And so Clark had the briefing on New Year's Day,
12 and then in the meeting that Saturday, to get an understanding
13 of whether he would now say "I'm done with this."

14 So it was a second step. I thought maybe he
15 just needs an illustration of why Donoghue and I and others
16 think that these stories that they told are debunked. Maybe
17 that would help.

18 So I knew of one where there had been a
19 suggestion raised the ballots were being destroyed in Atlanta.
20 And it was being attributed to a State Senator, but it was
21 debunked. And the U.S. Attorney in Atlanta knew of this, this
22 story.

23 So I told Jeff Clark, "You can call the U.S.
24 Attorney and ask about the ballots."

25 To my surprise, as I heard at this meeting,

1 he never called the U.S. Attorney. He did his own inquiry
2 where he called someone who had testified at a Georgia
3 legislature hearing the week before and was telling these
4 tales, but they -- at least, as it was reported to me, they
5 were tales that didn't add up.

6 So he had this meeting. It was Rich Donoghue
7 and I and Jeff Clark on that Saturday morning. The real
8 purpose -- it was really twofold. One is to see if having
9 done a little bit, you know, "Knock yourself out, see a little
10 bit of the facts."

11 To see if he now says, "I see where you guys are
12 coming from. I'll get with the program," or what is his
13 posture.

14 And either way it was harkening back to, again,
15 say "this is not okay to be going behind my back and talking
16 to my boss."

17 So we had a session -- and by the way, I will
18 give this quick digression. Because he was a Presidential
19 appointee with Senate confirmation, I could not fire him.
20 Only the President could fire him.

21 So sometimes I think the issue, why didn't I
22 just tell him, "You said you're not going to do this again.
23 You did it again. You're fired," because that's what I might
24 do in the past with people. But a
25 Presidential appointee with a Senate confirmation, even as

1 Attorney General, I don't have that authority.

2 So we had this Saturday morning discussion,
3 and I think Rich's notes partly captured the concept that --
4 yeah. The notes indicate that he did not, let's say, come
5 around to the position that I had.

6 And he wanted -- I think he used the word "due
7 diligence" or some such. So it was a very difficult,
8 challenging meeting. I see the notes say a rather difficult
9 meeting. Well, that was accurate, consistent with what I am
10 saying. But it would have been understated.

11 And so I think at this point, we shift from,
12 as I was alluding to earlier in the week, this was somebody I
13 had known for a long time. He says he won't do it again. He
14 did it again. And he seems to be on a very different course.

15 So that sets up what happens at another
16 meeting with him on Sunday. And then that sets up the Sunday
17 night where you know the final piece of that.

18 But these notes relate to that Saturday
19 morning meeting. And so when you asked me -- this is really -
20 - sorry. Just trying to give your sense of how it developed.

21 I don't think you can just circle, like, a
22 section and say "What about these allegations or whatever?"
23 Because this was some rogue activity.

24 Q I appreciate your explanation. I appreciate the
25 detail.